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EAST TIMOR

Violence Erodes Prospects for Stability

18 August 1999
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INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 0DW, UNITED KINGDOM

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The operational phase of the popular consultation process in East Timor, delayed by several weeks for reasons of security and logistics, is now underway. Despite persistent security concerns, in particular arising from ongoing operations to disrupt the process by pro-integration militia groups, over 430,000 East Timorese within East Timor have registered to vote in the ballot, currently scheduled to take place on 30 August 1999, which will determine the future status of the territory.

Nevertheless, the Secretary General of the United Nations (UN SG) has pointed out that security conditions in East Timor remain inadequate and that improvements are required for subsequent phases of the popular consultation process to take place.[1] The responsibility for bringing about these improvements lies solely with the Indonesian government which, under the 5 May 1999 Agreements, is committed to ensure the existence of "[*a*]*secure environment devoid of violence or other forms of intimidation... for the holding of a free and fair ballot in East Timor*".[2]

In a report published in June 1999 following a visit to East Timor, Amnesty International documented a distinct pattern of human rights violations in which supporters, or perceived supporters, of independence for East Timor were targeted. It also highlighted the general atmosphere of insecurity and intimidation resulting from operations by pro-integration

[1] Letter dated 26 July 1999 from the Secretary-General addressed to the President of the Security Council. S/1999/822, 26 July 1999.

[2] Three agreements, referred to collectively as the Agreements, were signed by the governments of Portugal and Indonesia, under the auspices of the UN, on 5 May 1999. The three separate agreements are: a main agreement which sets out the terms under which the popular consultation will be conducted and the political consequences of the vote; an agreement on modalities which provides a schedule, criteria on eligibility of voters and details on operational phases of the popular consultation process; and an agreement regarding security, in which the appropriate Indonesian security forces have responsibility for security.

militia groups for which there is clear evidence of involvement and support from the Indonesian National Army (*Tentara Nasional Indonesia*, TNI) and, to a lesser extent the police.[3]

Despite some reduction in reported violations since the height of the violence in April and May 1999, Amnesty International remains seriously concerned by the human rights situation in East Timor. The organization fears that many East Timorese are still unable to participate fully in the popular consultation process, or are only able to do so at considerable risk to themselves. Among the most vulnerable are the thousands of people who have been internally displaced largely by militia operations and who are still unable to return to their homes because the Indonesian authorities have so far not guaranteed their security. Pro-independence supporters, students, members of non-governmental organizations and others also continue to be at risk of human rights violations. Staff of the United Nations Mission to East Timor (UNAMET)[4] have also been the target of militia threats and violence in recent weeks.

Some reports of intimidation by pro-independence groups and allegations of abuses by the pro-independence armed opposition group, the East Timorese National Liberation Army (*Forcas Armados de Libertacao Nacional de Timor*, Falintil) have been received. However, the majority of the violations have been carried out by pro-integration militia groups which continue to enjoy the support or acquiescence of the Indonesian military and police.

The completion of the initial stages of the popular consultation process allows no room for complacency. The rights to freedom of association, expression and movement will be severely tested during the campaigning period which proceeds the ballot and on the day of the ballot itself.

The Indonesian authorities must demonstrate that they are genuinely committed to this process by immediately acting to fulfil its obligations under the 5 May 1999 Agreements to ensure a secure environment for the popular consultation process. At the same time, the UN, Portugal and Indonesia, as parties to the Agreements, must ensure that the human rights and security of the East Timorese people are also fully protected in the immediate post ballot period and beyond. The international community will continue to play a central role in this process, both by insisting that the Indonesian government take its commitments seriously and in providing the necessary support and resources for the UN to carry out its mandate in East Timor.

KEYWORDS: ELECTIONS1 / HARASSMENT1 / CIVIL DEFENCE / UN / DISPLACED PEOPLE / STUDENTS / POLITICAL ACTIVISTS / NON-GOVERNMENTAL ENTITIES / IMPUNITY / EXTRAJUDICIAL EXECUTION

This report summarizes a 16 page document (6987 words), : EAST TIMOR: Violence Erodes Prospects for Stability (AI Index: ASA 21/91/99) issued by Amnesty International on 18 August 1999. Anyone wishing further details or to take action on this issue should consult the full document.

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[3] East Timor: Seize the Moment. AI Index ASA 21/49/99, 21 June 1999.

[4] UNAMET was established in May 1999 by the UN Security Council to implement the popular consultation in East Timor.

EAST TIMOR
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Introduction

The operational phase of the popular consultation process in East Timor, delayed by several weeks for reasons of security and logistics, is now underway. Despite persistent security concerns, in particular arising from ongoing operations to disrupt the process by pro-integration militia groups, over 430,000 East Timorese within East Timor have registered to vote in the ballot, currently scheduled to take place on 30 August 1999, which will determine the future status of the territory.

Nevertheless, the Secretary General of the United Nations (UN SG) has pointed out that security conditions in East Timor remain inadequate and that improvements are required for subsequent phases of the popular consultation process to take place.[1] The responsibility for bringing about these improvements lies solely with the Indonesian government which, under the 5 May 1999 Agreements, is committed to ensure the existence of "[*a*]*secure environment devoid of violence or other forms of intimidation... for the holding of a free and fair ballot in East Timor*".[2]

In a report published in June 1999 following a visit to East Timor, Amnesty International documented a distinct pattern of human rights violations in which supporters, or perceived supporters, of independence for East Timor were targeted. It also highlighted the general atmosphere of insecurity and intimidation resulting from operations by pro-integration militia groups for which there is clear evidence of involvement and support from the Indonesian National Army (*Tentara Nasional Indonesia*, TNI) and, to a lesser extent the police.[3]

Despite some reduction in reported violations since the height of the violence in April and May 1999, Amnesty International remains seriously concerned by the human rights situation in East Timor. The organization fears that many East Timorese are still unable to participate fully in the popular consultation process, or are only able to do so at considerable risk to themselves. Among the most vulnerable are the thousands of people who have been internally displaced largely by militia operations and who are still unable to return to their

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homes because the Indonesian authorities have so far not guaranteed their security. Pro-independence supporters, students, members of non-governmental organizations and others also continue to be at risk of human rights violations. Staff of the United Nations Mission to East Timor (UNAMET)[4] have also been the target of militia threats and violence in recent weeks.

Some reports of intimidation by pro-independence groups and allegations of abuses by the pro-independence armed opposition group, the East Timorese National Liberation Army (*Forcas Armados de Libertacao Nacional de Timor*, Falintil) have been received. However, the majority of the violations have been carried out by pro-integration militia groups which continue to enjoy the support or acquiescence of the Indonesian military and police.

Attacks on UNAMET personnel and other incidents relating to the poor security situation informed the decision of the UN Secretary General to postpone the original start date for voter registration by three weeks to 13 July 1999, by which time UNAMET was also expected to be fully deployed. A second decision was taken to delay registration, this time by three days to 16 July 1999 because of ongoing security concerns. The decision to begin voter registration was eventually made by the UN Secretary General based on assurances received from the Indonesian government that measures would be taken to improve the situation. However, the UN SG noted at the time that it was not possible to conclude that "*the necessary security conditions exist for the peaceful implementation of the popular consultation process throughout the Territory*".[5]

The completion of the initial stages of the popular consultation process allows no room for complacency. The rights to freedom of association, expression and movement will be severely tested during the campaigning period which proceeds the ballot and on the day of the ballot itself. The presence of UNAMET in East Timor has had some positive impact on the human rights situation. However, still lacking are measures by the Indonesian authorities which would guarantee that all East Timorese will be able to exercise their rights during the process and beyond. In particular the Indonesian government has so far failed to take action to disarm and disband the pro-integration militia groups; to investigate all allegations of human rights violations and to arrest and prosecute all perpetrators; to fully cooperate with UNAMET; and actively and efficiently implement law and order in accordance with provisions under the 5 May 1999 Agreements and with international standards. These measures are essential not just for the popular consultation process but for the post ballot period in order not to jeopardise the prospect of a peaceful transition either to special autonomy within Indonesia or to towards independence.

[4] UNAMET was established in May 1999 by the UN Security Council to implement the popular consultation in East Timor.

[5] Letter dated 14 July 1999 from the Secretary-General addressed to the President of the Security Council. S/1999/786, 14 July 1999

The Indonesian authorities must demonstrate that they are genuinely committed to this process by immediately acting to fulfil its obligations under the 5 May 1999 Agreements to ensure a secure environment for the popular consultation process. At the same time, the UN, Portugal and Indonesia, as parties to the Agreements, must ensure that the human rights and security of the East Timorese people are also fully protected in the immediate post ballot period and beyond. The international community will continue to play a central role in this process, both by insisting that the Indonesian government take its commitments seriously and in providing the necessary support and resources for the UN to carry out its mandate in East Timor.

Update on the human rights situation

Pro-integration militia groups operate throughout East Timor and continue to commit human rights violations with almost total impunity. Clear links between these groups and the Indonesia military and police are also still evident. However, the visible and active presence of UNAMET since it reached full strength in early July 1999 has had some positive impact on the human rights situation in East Timor.

In some areas, in particular in the eastern districts of Los Palos, Viqueque, Baucau and Manatuto, improvements had been reported, despite the continued presence of militia or paramilitary units. Internally displaced persons (IDPs) who fled from some of these areas are beginning to return. Pro-independence groups and political activists have also experienced greater freedom to operate. However, the improvements have proved to be temporary in some locations. Two attacks on students in Viqueque by militia members on 10 and 11 August 1999, in which at least two students were killed and another attempted attack on students in Manatuto on the night of 11/12 August 1999, highlight the fragility of the security situation and the speed with which it can deteriorate.

Elsewhere, most notably in the western districts of Liquica, Bobonaro, Covalima and Ainaro, serious human rights violations, which have continued to undermine the implementation of the popular consultation process, have persisted throughout. In these areas the pattern of human rights violations highlighted by Amnesty International in its June 1999 report is little changed. Harassment and intimidation is pervasive and reports are still received of unlawful killings, arbitrary arrests and "disappearances".

Internally displaced persons (IDPs)

Among the clearest indicators of ongoing security problems is the large numbers of IDPs both in East and West Timor. The UN Secretary General has consistently drawn attention to the issue of IDPs in his reports to the UN Security Council pointing out on 20 July 1999 that, "*[i]n addition to its humanitarian dimensions, the problem of the internally displaced has a direct bearing on the prospects for holding a free and fair vote*".[6]

The total number of IDPs is estimated to reach tens of thousands. Thousands of those who fled or were forcibly relocated in late 1998 and early 1999 are still displaced. Their numbers have been swelled by people fleeing militia activity in the past few weeks. As recently as late July, it was reported that some 2,000 IDPs had been forced to seek refuge in the grounds of Suai church in response to a deterioration in the security situation in the surrounding areas. There are also reports from the same period of several hundred IDPs arriving in Ermera from Liquica and Bobonaro. However, the numbers have fluctuated particularly in recent weeks as some have begun to return to their places of origin with the intention of registering as voters.

Those who have registered in locations to which they had been forcibly relocated are now obliged, under UNAMET regulations, to cast their vote in the same location. For many this will mean remaining away from their homes, their livelihoods and their families for the weeks leading up to the ballot. Their prolonged displacement creates further concerns for their well being and security. Yet there are no guarantees for the safety of those who do return to their place of origin. Already, IDPs who had returned to Same in Manufahi district to register are reported to have had to leave again in the light of militia threats.

The majority of IDPs remain concentrated in the western districts of Covalima, Bobonaro, Liquica and Ainaro in which militia activity continues to be at its most intense. UNAMET has access to all of these areas and it is widely acknowledged that the majority of IDPs eligible to vote were able to register. However, there are still serious concerns about their security which could impact on their ability to participate in subsequent phases of the popular consultation process including the campaigning and the vote itself.

There are also serious humanitarian concerns as access to agencies delivering food and medical supplies continues to be restricted by militia groups in some areas. Among the areas where conditions are at their worst is Sare and the surrounding villages of Liquica district, where there are said to be some 8,000 IDPs who effectively remain under the control of the militia group Besi Merah Putih (BMP, red and white iron). BMP continues to control access to the area, preventing humanitarian assistance from reaching the IDPs and threatening, intimidating and in some cases attacking IDPs located there.

[6] Question of East Timor, Report of the Secretary-General, S/1999/803, 20 July 1999.

On 3 July 1999, the first humanitarian assistance to reach the IDPs in this area for over three months was delivered by a joint group of local humanitarian agencies accompanied by the UNAMET humanitarian officer. The Indonesian police had been requested to provide protection for the convoy but had refused. On its return to Dili on 4 July 1999 there was a much publicised attack on the convoy by members of BMP in the town of Liquica where it had stopped to report to the local authorities. Several people were injured including one of the drivers who was shot. Although the attack took place close to both the District Military Command (Kodim) and the local police station, no action was taken to prevent or respond to it.

A variety of claims were made by the Indonesian authorities and by pro-integration groups in the following days which blamed members of the convoy for provoking the attack, including allegations that shots had been fired from one of the vehicles in the convoy; that a militia member had been injured by shots fired from the convoy and that members of Falintil were travelling in the convoy. All these allegations have been categorically denied by members of the convoy who witnessed the attack and by UNAMET which conducted an investigation into the incident. In the case of the injured militia member, all the evidence, including an admission by a BMP member indicates that he was mistakenly shot by another militia member.

While the aid convoy was still in the area of Sare its members received reports from IDPs that they had been threatened with retaliation by BMP for receiving assistance. In an incident which is possibly connected to these threats, seven IDPs are believed to have been taken by members of BMP from the village of Faulara to the local military command (Koramil) in the town of Maubara. The seven were taken on 16 and 18 July 1999 during operations in which one IDP is reported to have been killed. There was no further information the seven at the time of writing. There are also unconfirmed reports that a female IDP in Faulara was abducted by the BMP and taken to a local militia post where she was detained and raped. In addition, the only clean water supply to Sare is also reported to have been cut off by BMP in late July, leaving thousands of people without drinking water.

While international humanitarian agencies are beginning to gain access to IDPs, local agencies are still unable to distribute aid openly and staff members continue to receive threats associated with their work with IDPs. A recent incident took place on 30 July 1999 at around 3am in the morning when members of the militia groups Aitarak (Thorn) entered the house of an employee of a Dili based aid agency and threatened a family member when they failed to find him. The police were called and intervened to stop the militias. There are also reports that doctors from the same agency who are providing medical care for IDPs have also been threatened, in this case by members of the Laksaur and Mati Hidup Demi Integrasi(Mahidi - Live or Die with Integration) militia groups.

Other human rights concerns

In addition to IDPs, Amnesty International's June 1999 report identified other categories of people who were particularly at risk. These included members or supporters of the umbrella pro-independence organization, the National Council of Timorese Resistance (*Conselho Nacional da Resistência Timorense*, CNRT). The CNRT has been systematically targeted by militia groups supported by the TNI and the Indonesian police in recent months. Arbitrary arrests, extrajudicial executions and persistent and serious threats and intimidation forced many CNRT leaders and members into hiding and resulted in the closure of its offices throughout East Timor in April and May 1999.

An improvement in the security situation in Dili made possible the reopening of the CNRT head office in the town on 28 June 1999. Improvements elsewhere allowed offices in Baucau, Laclubar in Manatuto district, and Los Palos in Lautem District to reopen in late July and early August 1999. However, in the absence of security guarantees the CNRT offices in other districts or sub-districts remain closed. Some members of the CNRT leadership, many of whom have been in hiding or have sought police protection since April or May 1999, are beginning to operate more openly although concern for their safety still exists. Others were known to still be in hiding or under police protection as of the second week of August 1999. The continued restrictions experienced by the CNRT is in contrast to the pro-autonomy groups which are able to organize freely.

Student groups have also found more space in which to operate during July 1999 and have been able to carry out their monitoring and civil education activities openly in some districts. Nevertheless, their safety is far from guaranteed. Members of militia group 59/75[7] armed with guns and knives killed two students, Carlos Sarmento and Mario Soares, when they attacked the local office of the student group *Dewan Solidaritas Mahasiswa Timor Timur* (DSMTT, Student's Solidarity Council of East Timor) in the town of Viqueque on 11 August 1999. Two other students, Josefina Baptisa and Emiliano da Silva Guterres, had been detained during an attack by the militia group the previous day. Josefina Baptisa was released within 24 hours after an intervention by a local priest. Emiliano da Silva Guterres was handed over to the police apparently having been badly beaten while in the custody of the militia. The coordinator of the DSMTT in the area, Januario da Silva Belo, has also been detained by the police. At the time of writing there was no further information about the two detainees or about a number of students who went missing after the attack. Both the office of DSMTT and the local CNRT office were destroyed by militias in the attacks.

Students from DSMTT were also specifically targeted by militia groups in two attacks which took place in the final 48 hours of voter registration. On 5 August 1999, around 20 militia

[7] The figure of 59 refers to 1959 when there was an East Timorese uprising against the Portuguese colonial administration in Viqueque. The figure 75 refers to 1975, the year of the Indonesian invasion of East Timor.

members attacked students from DSMTT participating in a meeting close to the registration site in the town of Ainaro. Stones, furniture and lumps of concrete were thrown by the militias, slightly injuring a UNAMET civilian police officer who was present. The following day, one student was seriously injured when militia members armed with knives and machetes attacked students in the town of Same, Manufahi District. The students were pursued by the militia members into a nearby registration site which was forced to close. DSMTT also reports having received regular threats from members of the Aitarak militia group that their office in Dili will be attacked.

A recent report received from an NGO in East Timor also describes threats received by families of students, by the village head and local militia leaders in Beikala village, Hato Hudo Sub-district, Ainaro District. According to the report, the parents of two students at the University of East Timor in Dili (Untim) were told that if their children returned to the village they would be buried alive.

The fact that these groups have been able to operate somewhat more freely can be attributed to a number of factors including the full deployment of UNAMET and the energy with which it has carried out its mandate, together with the stronger pressure which has recently been brought to bear on the Indonesian authorities by various governments and inter-governmental organizations and the international donor community.

Amnesty International welcomes these signs of greater freedom of movement and association as an indication of the ability of the Indonesian authorities to influence conditions in East Timor. However the organization remains concerned that Indonesia is still failing to fulfil its obligations under the 5 May 1999 Agreements to provide security for the popular consultation process. This is despite recent assurances made by the Indonesian authorities that they would control the militias by disarming people carrying arms in public; arrest and prosecute those who carry out, incite or threaten violence, close down militia roadblocks; and issue orders requiring military personal to be impartial and prohibiting them from carrying arms in public except when performing official duties.[8]

Because these assurances, and other commitments to provide security, have not yet been realized a general atmosphere of insecurity persists throughout East Timor. The sense of fear is heightened by incidents such as the deliberate and arbitrary killing on 1 August 1999 of Angelino Amaral, a 24 year old bank employee, by members of the Aitarak militia group in the Taibesi area of Dili. Angelino Amaral was shot dead by two militia members who stopped him as he was riding his motorcycle along a public road. He was thought to have been on an Aitarak "hit list" although it is not certain if this was because of his membership of the CNRT. Although the police went to the scene of the killing they took no action to arrest the perpetrators, despite the fact that there were eyewitnesses who were able to identify them. Frustration at the lack of

[8] Question of East Timor: Report of the Secretary General. S/1999/803, 20 July 1999.

police action fuelled yet more violence and resulted in locals burning down the house belonging to a known Aitarak member in the area.

A week earlier, on 26 July 1999, a clash took place in the Mercado Lama market place in Dili in which several people were injured. The details of the incident remain unclear - it has been variously described as a brawl between pro- and anti-Indonesia groups; as revenge for the injuring of a pro-independence supporter by militia members; and as a response by militia members to being unable to register as voters because they had not produced the correct identification. Among those targeted by Aitarak members during the attack were known pro-independence supporters although ordinary members of the public who were in the market at the time were also injured. A UNAMET vehicle which was passing at the time was also targeted and UNAMET staff were among those who were threatened with homemade firearms.

In many incidents TNI and police collusion with the militias remains evident. In the incident in Mercado Lama market, for example, one eyewitness reported seeing a person being beaten by a militia member in front of members of the Police Mobile Brigade (Brimob) who had arrived to secure the area. No action was taken by Brimob to prevent the beating. Unconfirmed reports have also been received of people being taken into the local police compound by Aitarak members where they were beaten.

A recent report describes the extrajudicial execution of a 35 year old man on 18 June 1999. According to eyewitness accounts, the victim was taken from his home in Manusae Village, Hatolia Sub-district, Ermera District members of the militia group Darah Merah (Red Blood) and TNI members to the barracks of BTT 143 (Territorial Battalion 143). The following day his body was found, apparently he had been tortured. Seven inhabitants of the same village were said to have been arrested on the same day but have since been released. House burnings by joint militia/TNI teams have also been witnessed in Bazartete sub-district, Liquica district and checkpoints jointly manned by militia members, TNI and/or police have been observed.

Harassment and intimidation of human rights defenders, journalists, church workers and others trying to assist victims of human rights violations or to report on violations continues. Election monitors have also been subjected to harassment and intimidation. Both local and international observers from the election monitoring organization, the Carter Center, have received threats and shots were fired by militia members within a few hundred metres of the office in Dili on six consecutive occasions in early August 1999.

Threats to UNAMET, voters and the popular consultation process

Attacks against UNAMET's international and local staff have contributed to the atmosphere of insecurity and have undermined the implementation of popular consultation process. On 29 June 1999 the UNAMET compound in Maliana, Bobonaro District was attacked by around 100 members of the militia group Dadurus Merah Putih. Rocks and stones were

thrown at the building. One UNAMET staff member and several local East Timorese who were sheltering in the building were injured in the attack. According to a report in the media an Indonesian police spokesman confirmed that two serving Indonesian soldiers and three retired military personnel were also involved in the attack.

The following day, on 30 June 1999, UNAMET was forced to temporarily relocate some of its staff based in its Viqueque office after the compound was surrounded on two occasions by armed militia members. The attack on the humanitarian convoy in Liquica on 4 July 1999 also caused UNAMET to suspend its operations, in this case for 10 days. During the attack on the convoy the UNAMET humanitarian officer who had accompanied the convoy was threatened by armed militia members. He has since been accused by the Indonesian authorities of having been carrying a gun, despite the fact that all UNAMET personnel are unarmed.

UNAMET local personnel were the target of an attack on the registration centre in Batugade in Bobonaro District close to the border with West Timor on 5 August 1999. The two interpreters were assaulted and slightly injured when around 50 militia members entered the registration centre. The attack has been justified by police and the pro-autonomy side because, they claim, the two interpreters had been engaging in political activities. In fact, tension in Batugade had been high throughout the registration process. Concern had been expressed by local officials that there were insufficient facilities for IDPs who were expected to return from West Timor to register there. UNAMET set up additional booths in response, but the situation remained delicate and tension increased again in the first week of August 1999 when UNAMET refused to register some 40 people from West Timor because they had false identity documents. Threats were reported to have been made by the *bupati* (district head) that the area would be blockaded and UNAMET staff prevented from leaving until registration was completed to his satisfaction. Threats by local leader of the pro-integration group People's Front for East Timor (*Barisan Rakyat Timor Timur*, BRTT) were also reported to have been made on 5 August 1999, within a few hours of which over 50 members of a militia group armed with machetes and knives arrived at the registration centre. The police took no action to prevent the militia members from entering the building where they assaulted the two interpreters. A build up of militia members around the centre the following day forced it to close.

Such threats to UNAMET and those associated with it have been commonplace. In early July the *bupati* of Bobonaro District told journalists that he would kill UN personnel - especially Australians - if they fail to conduct a fair ballot. UNAMET local staff and their families have been regularly threatened. Some people who have had contact with UNAMET staff have also been threatened or harassed. One person is reported to have been questioned by police in Ermera district on two separate occasions in early July after telling a UNAMET civilian police officer that people were being paid to vote for autonomy. On the second occasion he was held for questioning for eight hours.

There have also been attempts to undermine the process through systematic and widespread harassment and intimidation of voters by militias, TNI, and local government officials. Some observers note that these activities are less visible now, but only because those involved have become more adept at concealing their work and because operations frequently take place during the night.

Both international and local election observers report that a variety different of techniques are employed to intimidate the population into voting for autonomy. Death threats and threats that there will be civil war if the autonomy package is rejected have been made by both TNI and militia members in many districts and house to house visits by militia and TNI members to record the details of those who have registered have also been widely reported. In some areas, particularly in the western districts, people claim to having been forced by the militias to participate in rituals in which they have to drink blood mixed with whisky while swearing allegiance to the pro-autonomy camp. In a number of locations, including the towns of Same, Liquica and Maubara, militia members are said to have tried to prevent people from registering at all by threatening them directly or by positioning themselves close to the registration centres to intimidate voters from entering. There are also a few reports of registration cards being confiscated and destroyed by militia members.

Impunity

Although the serious and persistent human rights violations which have taken place in East Timor both before and since the signing of the Agreements have been widely reported, the Indonesian government has so far done little to hold those responsible to account. The lack of investigation into allegations of violations and the failure to prosecute both those who engage in and threaten violence is contributing to the general atmosphere of impunity.

Arrests and prosecutions are still the exception rather than the rule and have taken place only in relation to a few of the more high profile incidents where strong international pressure has been applied. Among the few cases in which individuals have been charged are the attack on the UNAMET compound in Maliana on 29 June 1999 and the 4 July 1999 attack on the humanitarian convoy in Liquica both of which prompted strong protests from the UN SG and his Special Representative for East Timor, from the UN Security Council and from member states of the international community. In relation to the attack on the convoy, the trials of seven people took place in Dili in August 1999. All were charged with the illegal possession of firearms under Emergency Law No. 12/1951 and with uniting to commit violence against persons or property under Article 170 of the Criminal Code. They were sentenced to four months each. Amnesty International welcomes the steps taken by the Indonesian authorities to bring those responsible to justice but is concerned by reports of irregularities in the trial, including concerns of partiality by the presiding judge who is said to have focussed questioning on the issue of provocation for the attack rather than on the events themselves and who was responsible.

In the case of the Maliana attack five people are due to be brought to trial. In one other, unrelated case, a member of Aitarak was questioned by police on 29 July 1999 after he was seen by a UNAMET civilian police officer carrying a handmade gun at the registration centre in Balide, Dili. It is not known whether he was arrested or whether charges have been brought against him.

The Indonesian police in East Timor have been credited in recent weeks with having made efforts in some places to provide UNAMET with security and to try and improve the security situation more generally. However, the fact that there is still no indication that perpetrators are being held accountable in any systematic way for the numerous violations which have taken place over recent months points to an absence of political will to investigate and take action against members of militia groups, the TNI and the police who are responsible for human rights violations. Amnesty International remains concerned that the Indonesian police, which has only recently been separated from the military, lacks authority from the government to carry out the law and order functions with which it has been entrusted under the 5 May 1999 Agreements.

At the same time, it is also apparent that members of militia groups are continuing to illegally carry out detentions - a function which is only permitted to be carried out by the police both under both Indonesian national law, international law and the 5 May 1999 Agreements. In many instances the police appear to have taken no action to prevent the detentions and have in some cases cooperated with the militias. Amnesty International has received recent reports from Dili of individuals being detained and beaten by members of militia groups and subsequently accepted into police custody. Four CNRT members are also reported to have been recently detained at a joint Laksaur militia, TNI, police checkpoint as they travelled from Suai to Dili.

Opposition abuses

Falintil has also committed abuses and pro-independence supporters have been responsible for acts of intimidation, although many allegations made by the Indonesian authorities and pro-integration groups have proved impossible to confirm.

On 17 June 1999, Falintil surrendered two hostages - a police officer and a civilian - to UNAMET and the International Committee of the Red Cross (ICRC). The two had been abducted in from a village in Bazartete Sub-district, Liquica District and held for around four days. According to a report by the UN Secretary General of 22 June 1999, they bore bruises from mistreatment while in captivity although they had not been seriously injured.[7] Another two, or possibly three people were released by Falintil on 17 July 1999 in Hatuqueci village,

[7] Question of East Timor. Report of the Secretary-General. S/1999/705, 22 June 1999.

Maubara Sub-district, also in Liquica District. The detainees, said to be militia members, were detained by Falintil and held briefly while Falintil initiated negotiations to hand them to local police.

In many cases there is insufficient or conflicting information which makes verification difficult. One example is the case of Paulo da Costa, whose death on 3 July 1999 was claimed by the Indonesian authorities to have provoked the attack on the humanitarian convoy in the town of Liquica the following day. According to the Indonesian authorities, Paulo da Costa was among a group of people travelling by truck to harvest coffee, when they were ambushed by pro-independence supporters in Hatorete village. Paulo da Costa was shot dead, while two others in the group - August Sarmentus and Hermenegildo - were injured.[8] Falintil, on the other hand, have claim that the three were members of BMP and have admitted to engaging in an exchange of fire with them. A third version of events based on information received from a local NGO indicated that Paulo da Costa may have been killed in a clash between members of BMP. Amnesty International is unable to verify any of the three accounts at this stage. It is not known if the Indonesian police are continuing their investigation into this case.

In other cases the allegations of opposition abuses have proved to be baseless and appear to be a part of a misinformation campaign against the pro-independence side. For example three people, Martino dos Santos, Antonio dos Santos and Eugeno Sequira Alves, who were alleged by the pro-autonomy group the United Front for Autonomy to have been detained and then killed by Falintil in Desa Deorema, Bazartete Sub-district have been confirmed to be alive. They were never detained by Falintil. In another case referred to in a letter from the Permanent Representative of Indonesia to the UN dated 16 July 1999, it was alleged that Hornando Gobya Late from Diosa village, Bobonara district was still missing after being kidnapped by around 30 men belonging to the "anti-autonomy group". According to information received by Amnesty International, there was an incident on 11 July 1999 in which Hornando Gobya Late was abducted, although it is not clear who by or whether the motivation was political or personal. He was released the next morning.

Amnesty International continues to urge Falintil to abide by international humanitarian law which strictly prohibits the targeting of persons taking no active part in the hostilities, the taking of hostages, humiliating and degrading treatment and the passing of sentences and carrying out of executions outside a regularly constituted court. The organization also stresses the need for the Indonesian authorities to investigate allegations of opposition abuses impartially and ensure that perpetrators are brought to justice in proceedings which conform to international standards for fair trial.

Amnesty International is also concerned by reports that international standards for fair trial have been contravened in the case of two Falintil members, Roberto da Carmo and Gaspar

[8] Letter dated 12 July 1999 from the Permanent Representative of Indonesia to the United Nations addressed to the President of the Security Council. S/1999/782, 13 July 1999.

Lopes, who were arrested on 19 May 1999 in Aileu and taken to the regional police headquarters (Polda) in Dili. Amnesty International issued an Urgent Action appeal at the time of their arrest because the two had been beaten while in detention and had been denied access to lawyers. Since then they have been transferred to Ermera where it is believed they are on trial. Gaspar Lopes is said to be in a poor condition as a result of the beatings.

The post ballot period

Polling day marks the beginning and not the end of the transition for East Timor. The following days and weeks are likely to be volatile as the vote is counted, the results announced and transitional arrangements for special autonomy or independence are put in place. During the interim period between the announcement of results and their implementation Indonesia will continue to be responsible for security and for maintaining law and order in East Timor. After this the Indonesian role will be dependent on the outcome of the vote. The UN will continue to play a significant role throughout.[9]

Ensuring security and protecting human rights must remain a priority throughout the immediate post ballot and implementation phases. Measures to protect human rights must be agreed and implemented prior to the vote in order to avoid potential human rights violations in the period which follows the vote.

The Indonesian authorities have an obligation and responsibility to take preventative action, notably through the immediate disarming and disbanding of the militias and the bringing to justice of perpetrators of human rights violations in order to guard against post ballot violence. The laying down of arms and the beginning a disarmament process was stipulated in the Agreements. Progress has so far been slow and despite agreement by all parties on 18 June 1999 to disarm in principle there is still no agreement on fundamental points, including whether the militias and Falintil should disarm simultaneously and who should supervise the process. In the meantime, Falintil has taken a unilateral initiative to place its troops four different cantonments in East Timor. No comparable efforts have so far been made on the part of the pro-integration militias.

The UN is mandated to maintain an adequate presence in East Timor both during the interim phase and the implementation of the results. The UN Secretary General has acknowledged that situation during the immediate post ballot period is likely to be delicate and that "*UN efforts must be redoubled following the ballot to build confidence and support stability*

[9] The interim phase, or phase 2, is the period between the conclusion of the popular consultation and the start of the implementation of its result. The implementation phase, or phase 3, will be initiated following the session of the Indonesian Parliament (MPR) in October/November 1999 which will approve the results of the ballot and initiate the necessary constitutional steps for their implementation.

in the Territory and reassure all groups, in particular those who were in the minority in the ballot, that they have a role to play in the future political life of East Timor".[10] An increase in the numbers of civilian police officers and military liaison officers is proposed for this phase.

During the subsequent phase of implementing the results should the East Timorese opt for a special autonomous region within Indonesia, the United Nations will monitor and verify the implementation of the constitutional framework for autonomy, ensuring that Indonesia fulfils its commitments under the Agreements and that the rule of law and human rights are protected and respected within the new arrangement. In the case of the East Timorese choosing independence the UN will become the political and administrative authority for the duration of the transition to independence. Among the many functions that will have to be carried out or supervised by the UN transition authority will be policing, security, the provision of humanitarian assistance, the administration of justice as well as institutional building, including the development of a legal and judicial system and preparation of a constitutional framework.

Both during the interim and implementation phases the UN must carry out its role in accordance with international human rights standards and must take all necessary measures to ensure that human rights are fully protected. The international community must continue to fulfil its responsibility to provide the necessary support and resources to the UN in order that it can carry out its mandate effectively.

[10] Question of East Timor: Report of the Secretary-General. S/1999/862, 9 August 1999.

Recommendations

In its 21 June 1999 report, East Timor: Seize the Moment, Amnesty International made extensive recommendations to all parties involved in the popular consultation process including to the UN, to the Indonesian and Portuguese governments and to the international community. Many of these recommendations focussed on the need for a rapid and dramatic improvement in the security situation in East Timor. Despite some minor improvements, Amnesty International is concerned that the Indonesian government has still not taken the necessary measures to guarantee security both in the run up to the ballot and during the post ballot period.

Amnesty International therefore reiterates its recommendations to the Indonesian government to:

- guarantee the neutrality of the Indonesian army and police, and ensure that all security forces abide by international human rights standards in carrying out their duties;
- immediately disarm and disband pro-integration militia groups;
- ensure that all reports of human rights violations, including threats, are immediately, impartially and thoroughly investigated and that those responsible are brought to justice in trials which meet international standards for fair trials;
- protect the civilian population from forced and arbitrary displacement; provide security for people who are currently displaced; and give guarantees of safety and create conditions which would allow all IDPs to return to their place of origin;
- immediately and unconditionally release all prisoners of conscience. Review the convictions against political prisoners convicted after unfair trials. In view of the fact that a review of the trial of Xanana Gusmão has already been refused, Amnesty International believes that he should be released.

Amnesty International also reiterates its calls upon the CNRT to:

- ensure that all members of the East Timorese National Liberation Army (Falintil) act in accordance with international humanitarian law;
- cooperate fully with UNAMET in the implementation of its mandate.

In addition Amnesty International urges the United Nations and parties to the 5 May 1999 Agreements to:

- ensure the security and respect for human rights of the population in East Timor, whatever their ethnic or national origin or political viewpoint, in the immediate aftermath of the ballot and during the subsequent phases in which the outcome of the ballot will be implemented;

- develop a program of action to ensure the security of internally displaced persons to ensure their access to humanitarian assistance and their participation in the consultation process.

Members of the international community should:

- put pressure on the Indonesian authorities to fulfil its obligations under the 5 May 1999 Agreements, including to ensure security for the popular consultation process;

- provide adequate resources and support for the UN presence to effectively carry out its mandate both prior to and after the ballot;

- ensure that observers sent to monitor the ballot are trained and instructed to document and report on human rights violations;

- review assistance programs in light of the ballot to ensure that they are directed towards human rights objectives including addressing impunity and funding human rights safeguards.